

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

B.M.D., a minor, by and through his father, )  
MARVIN DICKERSON, et al., )  
Plaintiffs, )  
v. )  
KNOX COUNTY, TENNESSEE et al., )  
Defendants. )  
No. 3:07-CV-73  
(VARLAN/SHIRLEY)

## **MEMORANDUM AND ORDER**

This matter is before the undersigned pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by Order [Doc. 20] of the Honorable Thomas A. Varlan, United States District Judge, for disposition of Catherine F. Quist's Motion to Quash [Doc. 17].

Movant is the duly elected Clerk of the Knox County Juvenile Court. In that capacity, she also functions as the custodian of records. This case comes before this Court on Ms. Quist's motion for an order to quash the subpoena served upon her by the defendant in this case, Knox County, requiring the production of Juvenile Court records in the matter of B.M.D., D.O.B. 11-18-89. Knox County provided no response to Ms. Quist's motion or supporting brief.

Fed. R. Civ. P. 45(c)(3)(A) states that the court “must quash or modify a subpoena that requires disclosure of privileged or other protected matter.” In her supporting affidavit, movant states that she has been ordered by the Knox County Juvenile Court Judge to not produce the records because they are confidential pursuant to Tenn. Code Ann. §37-1-153. Tenn. Code Ann. §37-1-153 provides “all files and records of the [Juvenile] court in a proceeding under this part are open to

inspection **only by**:...<sup>(5)</sup> With permission of the court, any other person or agency or institution **having legitimate interest in the proceeding or in the work of the court.**” (emphasis added). Since B.M.D. is a minor, the records at issue qualify for protection under Tenn. Code Ann. §37-1-153. Also, by neglecting to respond to Ms. Quist’s motion, Knox County fails to demonstrate any legitimate interest in the documents requested. *See also* E.D.TN. LR. 7.2 (Failure to respond to a motion may be deemed a waiver of any opposition to the relief sought).

For the reasons set forth above, Catherine F. Quists’s Motion To Quash [Doc. 17] is

**GRANTED.**

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge